

SENATE BILL No. 269

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-24-8-5; IC 20-33-8-12; IC 20-51-4-1.

Synopsis: School discipline. Requires charter schools and nonpublic schools that accept choice scholarships to adopt written discipline rules in the same manner as school corporations. Removes a good faith effort exception to the requirement of giving general publicity to the written discipline rules.

Effective: July 1, 2016.

Taylor

January 7, 2016, read first time and referred to Committee on Education & Career Development.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 269

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-24-8-5, AS AMENDED BY P.L.221-2015,
- 2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2016]: Sec. 5. The following statutes and rules and guidelines
- 4 adopted under the following statutes apply to a charter school:
- 5 (1) IC 5-11-1-9 (required audits by the state board of accounts).
- 6 (2) IC 20-39-1-1 (unified accounting system).
- 7 (3) IC 20-35 (special education).
- 8 (4) IC 20-26-5-10 (criminal history).
- 9 (5) IC 20-26-5-6 (subject to laws requiring regulation by state
- 10 agencies).
- 11 (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- 12 (7) IC 20-28-10-14 (teacher freedom of association).
- 13 (8) IC 20-28-10-17 (school counselor immunity).
- 14 (9) For conversion charter schools only if the conversion charter
- 15 school elects to collectively bargain under IC 20-24-6-3(b),
- 16 IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and
- 17 IC 20-28-10.



- (10) IC 20-33-2 (compulsory school attendance).
- (11) IC 20-33-3 (limitations on employment of children).
- (12) **IC 20-33-8-12**, IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (**written discipline rules**, student due process, and judicial review).
- (13) IC 20-33-8-16 (firearms and deadly weapons).
- (14) IC 20-34-3 (health and safety measures).
- (15) IC 20-33-9 (reporting of student violations of law).
- (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- (17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-8, and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic standards, accreditation, assessment, and remediation).
- (18) IC 20-33-7 (parental access to education records).
- (19) IC 20-31 (accountability for school performance and improvement).
- (20) IC 20-30-5-19 (personal financial responsibility instruction).

SECTION 2. IC 20-33-8-12, AS AMENDED BY P.L.66-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Except as provided under ~~IC 20-33-8-16~~, **section 16 of this chapter**, the governing body of a school corporation must do the following:

- (1) Establish written discipline rules, which must include a graduated system of discipline and may include:
 - (A) appropriate dress codes; and
 - (B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases;
 for the school corporation.
- (2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:
 - (A) making a copy of the discipline rules available to students and students' parents; or
 - (B) delivering a copy of the discipline rules to students or the parents of students.

~~This publicity requirement may not be construed technically and is satisfied if the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.~~

(b) The:

- (1) superintendent of a school corporation; and
- (2) principals of each school in a school corporation;

may adopt regulations establishing lines of responsibility and related



1 guidelines in compliance with the discipline policies of the governing
2 body.

3 (c) The governing body of a school corporation may delegate:

4 (1) rulemaking;

5 (2) disciplinary; and

6 (3) other authority;

7 as reasonably necessary to carry out the school purposes of the school
8 corporation.

9 (d) Subsection (a) does not apply to rules or directions concerning
10 the following:

11 (1) Movement of students.

12 (2) Movement or parking of vehicles.

13 (3) Day to day instructions concerning the operation of a
14 classroom or teaching station.

15 (4) Time for commencement of school.

16 (5) Other standards or regulations relating to the manner in which
17 an educational function must be administered.

18 However, this subsection does not prohibit the governing body from
19 regulating the areas listed in this subsection.

20 SECTION 3. IC 20-51-4-1, AS ADDED BY P.L.92-2011,
21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2016]: Sec. 1. (a) Except as provided under subsections (b)
23 through ~~(h)~~; **(i)**, it is the intent of the general assembly to honor the
24 autonomy of nonpublic schools that choose to become eligible schools
25 under this chapter. A nonpublic eligible school is not an agent of the
26 state or federal government, and therefore:

27 (1) the department or any other state agency may not in any way
28 regulate the educational program of a nonpublic eligible school
29 that accepts a choice scholarship under this chapter, including the
30 regulation of curriculum content, religious instruction or
31 activities, classroom teaching, teacher and staff hiring
32 requirements, and other activities carried out by the eligible
33 school;

34 (2) the creation of the choice scholarship program does not
35 expand the regulatory authority of the state, the state's officers, or
36 a school corporation to impose additional regulation of nonpublic
37 schools beyond those necessary to enforce the requirements of the
38 choice scholarship program in place on July 1, 2011; and

39 (3) a nonpublic eligible school shall be given the freedom to
40 provide for the educational needs of students without
41 governmental control.

42 (b) This section applies to the following writings, documents, and



- 1 records:
- 2 (1) The Constitution of the United States.
- 3 (2) The national motto.
- 4 (3) The national anthem.
- 5 (4) The Pledge of Allegiance.
- 6 (5) The Constitution of the State of Indiana.
- 7 (6) The Declaration of Independence.
- 8 (7) The Mayflower Compact.
- 9 (8) The Federalist Papers.
- 10 (9) "Common Sense" by Thomas Paine.
- 11 (10) The writings, speeches, documents, and proclamations of the
- 12 founding fathers and presidents of the United States.
- 13 (11) United States Supreme Court decisions.
- 14 (12) Executive orders of the presidents of the United States.
- 15 (13) Frederick Douglas' Speech at Rochester, New York, on July
- 16 5, 1852, entitled "What to a Slave is the Fourth of July?".
- 17 (14) Appeal by David Walker.
- 18 (15) Chief Seattle's letter to the United States government in 1852
- 19 in response to the United States government's inquiry regarding
- 20 the purchase of tribal lands.
- 21 (c) An eligible school may allow a principal or teacher in the
- 22 eligible school to read or post in the school building or classroom or at
- 23 a school event any excerpt or part of a writing, document, or record
- 24 listed in subsection (b).
- 25 (d) An eligible school may not permit the content based censorship
- 26 of American history or heritage based on religious references in a
- 27 writing, document, or record listed in subsection (b).
- 28 (e) A library, a media center, or an equivalent facility that an
- 29 eligible school maintains for student use must contain in the facility's
- 30 permanent collection at least one (1) copy of each writing or document
- 31 listed in subsection (b)(1) through (b)(9).
- 32 (f) An eligible school shall do the following:
- 33 (1) Allow a student to include a reference to a writing, document,
- 34 or record listed in subsection (b) in a report or other work product.
- 35 (2) May not punish the student in any way, including a reduction
- 36 in grade, for using the reference.
- 37 (3) Display the United States flag in each classroom.
- 38 (4) Provide a daily opportunity for students to voluntarily recite
- 39 the Pledge of Allegiance in each classroom or on school grounds.
- 40 A student is exempt from participation in the Pledge of
- 41 Allegiance and may not be required to participate in the Pledge of
- 42 Allegiance if:



- 1 (A) the student chooses to not participate; or
- 2 (B) the student's parent chooses to have the student not
- 3 participate.
- 4 (5) Provide instruction on the constitutions of:
- 5 (A) Indiana; and
- 6 (B) the United States.
- 7 (6) For an eligible school that enrolls students in grades 6 through
- 8 12, provide within the two (2) weeks preceding a general election
- 9 five (5) full recitation periods of class discussion concerning:
- 10 (A) the system of government in Indiana and in the United
- 11 States;
- 12 (B) methods of voting;
- 13 (C) party structures;
- 14 (D) election laws; and
- 15 (E) the responsibilities of citizen participation in government
- 16 and in elections.
- 17 (7) Require that each teacher employed by the eligible school
- 18 present instruction with special emphasis on:
- 19 (A) honesty;
- 20 (B) morality;
- 21 (C) courtesy;
- 22 (D) obedience to law;
- 23 (E) respect for the national flag and the Constitution of the
- 24 State of Indiana and the Constitution of the United States;
- 25 (F) respect for parents and the home;
- 26 (G) the dignity and necessity of honest labor; and
- 27 (H) other lessons of a steadying influence that tend to promote
- 28 and develop an upright and desirable citizenry.
- 29 (8) Provide good citizenship instruction that stresses the nature
- 30 and importance of the following:
- 31 (A) Being honest and truthful.
- 32 (B) Respecting authority.
- 33 (C) Respecting the property of others.
- 34 (D) Always doing the student's personal best.
- 35 (E) Not stealing.
- 36 (F) Possessing the skills (including methods of conflict
- 37 resolution) necessary to live peaceably in society and not
- 38 resorting to violence to settle disputes.
- 39 (G) Taking personal responsibility for obligations to family
- 40 and community.
- 41 (H) Taking personal responsibility for earning a livelihood.
- 42 (I) Treating others the way the student would want to be



- 1 treated.
- 2 (J) Respecting the national flag, the Constitution of the United
- 3 States, and the Constitution of the State of Indiana.
- 4 (K) Respecting the student's parents and home.
- 5 (L) Respecting the student's self.
- 6 (M) Respecting the rights of others to have their own views
- 7 and religious beliefs.
- 8 (9) Provide instruction in the following studies:
- 9 (A) Language arts, including:
- 10 (i) English;
- 11 (ii) grammar;
- 12 (iii) composition;
- 13 (iv) speech; and
- 14 (v) second languages.
- 15 (B) Mathematics.
- 16 (C) Social studies and citizenship, including the:
- 17 (i) constitutions;
- 18 (ii) governmental systems; and
- 19 (iii) histories;
- 20 of Indiana and the United States, including a study of the
- 21 Holocaust and the role religious extremism played in the
- 22 events of September 11, 2001, in each high school United
- 23 States history course.
- 24 (D) Sciences.
- 25 (E) Fine arts, including music and art.
- 26 (F) Health education, physical fitness, safety, and the effects
- 27 of alcohol, tobacco, drugs, and other substances on the human
- 28 body.
- 29 (g) An eligible school, charter school, or public school shall not
- 30 teach the violent overthrow of the government of the United States.
- 31 (h) Nothing in this section shall be construed to limit the
- 32 requirements of IC 20-30-5.
- 33 **(i) An eligible school shall adopt written discipline rules as set**
- 34 **forth in IC 20-33-8-12.**

